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5 Attorneys for Defendant,  
ENCORE RECEIVABLE MANAGEMENT, INC.

**DECLARATION OF MICHAEL P.  
LAVIGNE IN SUPPORT OF STIPULATED  
REQUEST FOR ORDER CHANGING  
TIME FOR HEARING ON PLAINTIFF'S  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT**

23 I, Michael P. Lavigne, declare and state as follows:

24       1. I am an attorney at law duly licensed to practice before all state courts within the  
25 State of California, and before the United District Court for the Northern District of California. I  
26 am an associate of the law firm of CARLSON & MESSER LLP, attorneys of record for Defendant  
27 Encore Receivable Management, Inc. ("Defendant").

28 2. If called upon to testify to these matters as set forth herein, I could and would do so

1 of my own personal knowledge.

2       3. Pursuant to Local Rule 6-2, the parties have stipulated to continue the hearing on  
3 plaintiff's motion for partial summary judgment and all related filing deadlines by three weeks  
4 from September 19, 2008 to October 10, 2008. A copy of this stipulation is filed herewith.

5       4. The parties have made this request in order to allow for additional time to potentially  
6 resolve this matter through settlement.

7       5. There have been no previous continuances in this action.

8           I declare under penalty of perjury under the laws of the State of California and the  
9 United States of America that the foregoing is true and correct and that this Declaration was  
10 executed on this 29th day of August, 2008 at Los Angeles, California.

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By: /s/ Michael P. Lavigne

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Michael P. Lavigne, Declarant

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